



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

January 31, 2024

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated December 20, 2023 (ECF No. 194).

As the parties last reported, the parties have exchanged multiple specific demands regarding attorney’s fees. At the time the parties provided the last report, the Government had prepared a draft counter-offer and was seeking final approvals. During that process, the Government discovered certain inconsistencies in its draft counter-offer and is currently finalizing a corrected proposal, which it anticipates being able to provide to Plaintiffs imminently. Because of this ongoing process, and to allow time for the parties to continue discussing, the parties respectfully and jointly ask the Court’s leave to submit a further status report by March 1, 2024. We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: /s/ Rebecca S. Tinio
REBECCA S. TINIO
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, NY 10007
Tel.: (212) 637-2774
E-mail: rebecca.tinio@usdoj.gov